

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**THE PUBLIC INTEREST LEGAL  
FOUNDATION,**

**Plaintiff,**

**V.**

**KATHY BOOCKVAR**, in her official capacity as Acting Secretary of the Commonwealth of Pennsylvania, **JONATHAN M. MARKS**, in his official capacity as Deputy Secretary for Elections and Commissions, and the **BUREAU OF COMMISSIONS, ELECTIONS AND LEGISLATION**,

## Defendants.

[illegible]

**NO. 1:19-CV-622**

**CHIEF JUDGE CONNER**

**ELECTRONICALLY FILED**

**DEFENDANTS' MOTION FOR BRIEF STAY OF PROCEEDINGS**  
**PENDING DECISION ON MOTION FOR**  
**CERTIFICATION UNDER 28 U.S.C. § 1292(b)**

Defendants Kathy Boockvar, Secretary of the Commonwealth of Pennsylvania, and Jonathan M. Marks, Deputy Secretary for Elections and Commissions,<sup>1</sup> by and through their undersigned counsel, hereby move for a brief stay of proceedings and deadlines in this matter pending disposition of Defendants'

<sup>1</sup> Defendant Bureau of Commissions, Elections and Legislation was dismissed as a party by the Memorandum and Opinion dated December 13, 2019. (ECF No. 23.)

Motion for Certification Under 28 U.S.C. § 1292(b). The grounds supporting this motion are set forth in Defendants' supporting memorandum which is being filed contemporaneously herewith.

Respectfully submitted:

/s/ Daniel T Brier  
Daniel T. Brier  
Donna A. Walsh  
Suzanne P. Conaboy

Counsel for Defendants, Kathy  
Boockvar and Jonathan M. Marks

Myers, Brier & Kelly, LLP  
425 Spruce Street, Suite 200  
Scranton, PA 18503  
(570) 342-6100

Dated: January 6, 2020

**CERTIFICATE OF NON-CONCURRENCE**

I, Daniel T. Brier, hereby certify that I sought the concurrence of counsel for Plaintiff, Noel Johnson, Esquire, in this Motion. Mr. Johnson does not concur in this Motion.

/s/ Daniel T. Brier

Date: January 6, 2020

**CERTIFICATE OF SERVICE**

I, Daniel T. Brier, hereby certify that a true and correct copy of the foregoing Motion for Brief Stay of Proceedings was served upon the following counsel of record via the Court's ECF system on this 6th day of January, 2020:

J. Christian Adams, Esquire  
Public Interest Legal Foundation, Inc.  
1555 King Street, Suite 200  
Alexandria, VA 22314

Noah H. Johnson, Esquire  
Public Interest Legal Foundation  
32 E. Washington Street, Suite 1675  
Indianapolis, IN 46204

Linda A. Kerns, Esquire  
Law Offices of Linda A. Kerns, LLC  
1420 Locust Street, Suite 200  
Philadelphia, PA 19102

/s/ Daniel T. Brier